

## FORTY-FIRST DAY

(Continued)

(Wednesday, March 22, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, humbly we come into Thy presence this morning to thank Thee for all Thy benefits toward us. While we are forgetful of Thee still Thou art gracious unto us. Consider us in our weakness and strengthen us according to Thy grace. For Jesus' sake. Amen."

## HOUSE BILLS ON FIRST READING

Mr. Cockrell asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 894.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Cockrell:

H. B. No. 894, A bill to be entitled "An Act providing that it shall be unlawful to shoot quail in McCullough and San Saba Counties until December 1, 1941; providing a suitable penalty for violation of this Act; repealing all conflicting laws, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. White asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 895.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. White:

H. B. No. 895, A bill to be entitled "An Act to provide that any person or persons circulating or causing to be circulated a petition, shall sign the same at the head of the list of signatures and shall cause such signature to be underlined; and the word author be written after the sponsor of the petition; and providing a penalty."

Referred to the Committee on Judiciary.

Mr. Smith of Matagorda asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 896.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Smith of Matagorda, Mr. Baker of Fort Bend and Mr. Galbreath:

H. B. No. 896, A bill to be entitled "An Act amending Subdivision 23 of Article 199, Title 8, Revised Civil Statutes of Texas, and providing for changing and prescribing terms and times of holding Court in the 23rd Judicial District of Texas, validating and continuing all process, writs, bonds, recognizances and making them returnable to the terms of Court in the several counties in said District as herein fixed, to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act, enacting proper provisions relative to any term of Court that may be in session when this Act takes effect."

Referred to the Committee on Judicial Districts.

Mr. Johnson of Ellis asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 897.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Johnson of Ellis:

H. B. No. 897, A bill to be entitled "An Act prohibiting the sale of any truss or other mechanical device commonly used for the relief of rupture or hernia except upon the prescription of a regularly licensed doctor and prohibiting any person other than the holder of a license to practice medicine issued by the State of Texas from fitting or offering to fit or adjust any truss or mechanical device used for the relief of rupture or hernia upon any person; prohibiting any advertising of any kind whatsoever which offers to fit any truss or mechanical device used for the relief of rupture or hernia upon any person unless the person so advertising is the holder of a license to practice medicine issued

by the State of Texas; providing a penalty, and declaring an emergency."

Referred to the Committee on Public Health.

Mr. Gilmer asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 898.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Gilmer:

H. B. No. 898, A bill to be entitled "An Act to provide the appropriation of \$3,600.00 payable out of any funds in the State Treasury, not otherwise appropriated, for the maintenance and operation of the Kerrville State Park in Kerr County, Texas, for the biennium, 1939-1940, providing that the control and operation of said park shall be placed in the Texas State Park Board and that said sum is to be expended through and upon order of said Board, and declaring an emergency."

Referred to the Committee on Appropriations.

#### CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 16

The Speaker laid before the House as pending business,

H. J. R. No. 16, Proposing an amendment to Section 51b of Article III of the Constitution of the State of Texas, giving the Legislature power by General Laws to provide for the payment of old age assistance subject to certain limitations, and fixing the qualifications of recipients of old age assistance and fixing the maximum amount of assistance which may be granted by the State, and providing old age assistance shall not be paid except to persons who are in need and otherwise qualified to receive such assistance; defining the word "need;" providing that old age assistance shall not be construed as a vested right in recipients of old age assistance; providing for authority to accept aid from the Government of the United States for old age assistance; levying and providing for the collection of a transaction tax of one and six-tenths (1.6%) per cent on the amount of actual value passing by each transaction and providing for the payment of such tax, and providing that where the amount of value which passes by

a transaction is fixed by law, the tax of one and six-tenths (1.6%) per cent of such value shall be collected on the last transaction only; defining the words "value," "person" and "transaction" as used in such amendment; and providing what transactions shall be exempt from said transaction tax; providing that production of natural resources of this State shall be subject to such transaction tax and fixing the date such tax shall be effective against such production, and determining the person liable for such tax; providing that if such transaction tax against production of natural resources fails or cannot be collected, a severance tax of one and six-tenths (1.6%) per cent of the value of such production be and is levied on such production in lieu of said transaction tax; providing for collection of such tax by the Comptroller of Public Accounts and payment thereof to the State Treasurer; providing that such tax funds shall be credited to the Texas Old Age Assistance Fund, and requiring the transfer of certain of such funds to the Confederate Soldiers Pension Fund, Destitute Children Assistance Fund and Teachers' Retirement Fund, and fixing the amount and time of such transfers; providing for the exclusive use which shall be made of such funds, and providing that no other tax shall be levied for the payment of old age assistance, Confederate Soldiers' pensions, destitute children assistance and teachers' retirement pensions; providing for payment of part of surplus tax into General Fund of the State; allocating such tax funds in case the same be inadequate to pay assistance as provided in this amendment; prohibiting counties, cities, and other political subdivisions from levying transaction tax; giving the Legislature power by General Laws to provide for administration of the provisions contained herein and for the collection of all taxes herein levied; proposing to amend the Constitution of the State of Texas by adding thereto Section 1-b to Article VIII, abolishing all State ad valorem taxes from and after January 1, 1941, except as to property situated in counties or political subdivisions receiving a remission of State taxes, and further providing that State revenue received from cigarette tax shall be allocated to Available School Fund, and specifying what use may be made thereof; providing for

submission of amendment to qualified electors of the State and fixing the time of such election; providing for the necessary proclamation and making an appropriation to defray the expenses of proclamation, publication and election.

The resolution having heretofore been read second time, with committee amendment No. 1 by Mr. Petsch, and substitute amendment offered by Mr. Wells, on yesterday, for the committee amendment, pending.

(Pending consideration of the substitute amendment by Mr. Wells, Mr. Boyer occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Thornton moved to table the substitute amendment by Mr. Wells.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—94

Allison	Hankamer
Alsup	Hardeman
Baker of Grayson	Harper
Bell	Harris
Bond	Hartzog
Boyer	Heflin
Bradford	Howard
Bray	Howington
Broadfoot	Hull
Brown of Cherokee	Hunt
Bundy	Johnson of Ellis
Burkett	Johnson of Tarrant
Burney	Kennedy
Cauthorn	Kersey
Celaya	Kinard
Chambers	Lehman
Clark	Leonard
Cleveland	Little
Coleman	Mays
Colquitt	McAlister
Colson, Mrs.	McDaniel
Corry	McDonald
Crossley	McFarland
Daniel	McMurry
Davis of Jasper	McNamara
Davis of Upshur	Mohrmann
Dean	Monkhouse
Dickison	Montgomery
Donaghey	Nicholson
Dwyer	Pace
Faulkner	Petsch
Felty	Pevehouse
Fuchs	Piner
Gilmer	Pope
Goodman	Reader of Bexar
Gordon, Mrs.	Reader of Erath

Reed	Talbert
Rhodes	Taylor
Riviere	Tennant
Roberts	Thornton
Robinson	Turner
Schuenemann	Vale
Segrist	Voigt
Shell	Waggoner
Smith of Frio	Wilson
Smith	Wood
of Matagorda	Worley
Stinson	

#### Nays—45

Allen	Kerr
Bailey	King
Blankenship	Langdon
Boyd	Lock
Bradbury	Loggins
Bridgers	Morris
Brown	Newell
of Nacogdoches	Oliver
Cockrell	Reaves
Cornett	Roach
Derden	Russell
Dickson	Skiles
Ferguson	Smith of Hopkins
Fielden	Spencer
Galbreath	Stoll
Hale	Tarwater
Hamilton	Vint
Harp	Weldon
Harrell of Bastrop	Wells
Harrell of Lamar	Westbrook
Holland	White
Isaacks	Winfree
Kern	Wright

#### Present—Not Voting

Baker  
of Fort Bend

#### Absent

Anderson	London
Hardin	Ragsdale

#### Absent—Excused

Dowell	Leyendecker
Keith	Thornberry

Mr. Hardin moved the previous question, on committee amendment No. 1, and House Joint Resolution No. 16, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—55

Allison	Baker
Alsup	of Fort Bend
Bailey	Blankenship

Bond	Kennedy
Boyer	Kersey
Bradford	Kinard
Bray	Leonard
Broadfoot	Little
Bundy	McAlister
Burkett	McDaniel
Clark	McDonald
Cleveland	McMurry
Colquitt	Newell
Colson, Mrs.	Nicholson
Corry	Oliver
Crossley	Pace
Dean	Reader of Bexar
Donaghey	Reader of Erath
Gilmer	Schuenemann
Hamilton	Shell
Hankamer	Taylor
Hardin	Thornton
Harrell of Lamar	Turner
Hartzog	Vale
Howington	Waggoner
Hull	Wilson
Johnson of Ellis	Worley
Johnson of Tarrant	Wright

## Nays—82

Allen	Harris
Baker of Grayson	Holland
Bell	Howard
Boyd	Hunt
Bradbury	Isaacks
Bridgers	Kern
Brown of Cherokee	Kerr
Brown	King
of Nacogdoches	Langdon
Burney	Lehman
Cauthorn	Lock
Celaya	Loggins
Chambers	London
Cockrell	Mays
Coleman	McNamara
Cornett	Mohrmann
Daniel	Monkhouse
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Derden	Pevehouse
Dickison	Piner
Dickson	Reaves
Dwyer	Reed
Faulkner	Rhodes
Felty	Riviere
Ferguson	Roach
Fielden	Roberts
Fuchs	Robinson
Galbreath	Russell
Goodman	Segrist
Gordon, Mrs.	Skiles
Hale	Smith of Frio
Hardeman	Smith of Hopkins
Harp	Smith
Harper	of Matagorda
Harrell of Bastrop	Spencer

Stinson	Voigt
Stoll	Wells
Talbert	Westbrook
Tarwater	White
Tennant	Winfree
Vint	Wood

## Absent

Anderson	Pope
Heflin	Ragsdale
McFarland	Weldon
Petsch	

## Absent—Excused

Dowell	Leyendecker
Keith	Thornberry

Mr. Skiles offered the following amendment to committee amendment No. 1:

Amend committee amendment to House Joint Resolution No. 16, by adding after the word "sales" in Section 7, line 37, page 4 of the printed copy, the following:

"All sales by or to the State of Texas or any subdivision thereof and all sales to the United States Government."

The amendment was adopted.

Mr. Kerr offered the following amendment to committee amendment No. 1:

Amend committee amendment to House Joint Resolution No. 16, Section 1 (6) (9) as printed, on line 15, page 3 of the printed bill by changing the words and figures "fifty (50c) cents" to "thirty (30c) cents".

Mr. Fielden raised a point of order, on further consideration of the amendment, at this time, on the ground that the House has previously amended that Section of the committee amendment, and the vote reconsidered and tabled.

The Speaker sustained the point of order.

Mr. Tarwater offered the following amendment to committee amendment No. 1:

Amend committee amendment to House Joint Resolution No. 16, page 4, lines 27 and 28, by striking out the following words, "the first sale by the producer of".

TARWATER,  
SMITH of Hopkins,  
FUCHS.

(Pending consideration of the amendment by Mr. Tarwater, Mr.

Tennant occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Petsch moved to table the amendment by Mr. Tarwater.

The motion to table was lost.

Question—Shall the amendment by Mr. Tarwater, to committee amendment No. 1, be adopted?

#### MESSAGE FROM THE SENATE

Austin, Texas, March 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

S. C. R. No. 22, Authorizing the State Highway Department to loan the Vernon Independent School District certain quantities of discarded wire for fencing purposes.

S. C. R. No. 23, Relative to portrait of Governor James V. Allred.

S. B. No. 325, A bill to be entitled "An Act providing for the establishment of Civil Service for officers and employees of Fire and Police Departments in cities having a population of not less than two hundred thousand (200,000) nor more than two hundred and sixty thousand (260,000), according to the last preceding Federal Census and all future Federal Census; etc., and declaring an emergency."

H. B. No. 368, A bill to be entitled "An Act creating a Special Road Law for Robertson County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating thereto, and declaring an emergency."

The Senate has adopted the following:

H. C. R. No. 62, Providing for the recall of House Bill No. 379.

H. C. R. No. 63, Expressing sympathy to the family of Hon. J. J. Olsen.

H. C. R. No. 64, Naming Miss Eugenia Morse as official Duchess of the Legislature in the Court of King Cotton.

The Senate refused to print on a minority report, by a vote of 12 yeas and 19 nays, the following bill:

S. B. No. 2, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of the State of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5, of Chapter 282, Acts of the Regular Session of the Forty-second Legislature, relating to the operation of vehicles on the public highways; fixing the load limit which may be lawfully transported on commercial motor vehicles outside the limits of an incorporated city or town; also amending Section 13a, Acts of the Regular Session, Forty-second Legislature, Chapter 277, conferring upon the State Highway Commission of Texas the authority to approve or disapprove the nature and character of equipment to be used by certain carriers and to regulate the amount and character of tonnage which may be transported on any motor vehicle, trailer or semi-trailer; declaring an emergency and providing the Act shall take effect from and after its passage."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### COMMITTEE APPOINTED

In accordance with the provisions of House Simple Resolution No. 174, inviting the Chairman of the Game, Fish and Oyster Commission to address the House, the Speaker announced the appointment of the following committee to escort Hon. A. E. Wood to the Speaker's stand: Messrs. Hardeman, Shell and Cleveland.

#### ADDRESS BY HON. A. E. WOOD

In accordance with the provisions of House Simple Resolution No. 174, by Mr. Hardeman, adopted by the House, on yesterday, inviting Hon. A. E. Wood, Chairman of the Game, Fish and Oyster Commission to address the House, Hon. A. E. Wood, escorted by Messrs. Hardeman, Shell and Cleveland, Committee on the Part

of the House, was escorted to a seat on the Speaker's stand.

Speaker Morse presented Honorable Harvey Shell, who introduced Hon. A. E. Wood to the House.

Mr. Wood then addressed the House.

#### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 325, to the Committee on Municipal and Private Corporations.

#### RECESS

Mr. Lock moved that the House recess until 2:30 o'clock p. m., today.

Mr. Colquitt moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Lock prevailed, and the House, accordingly, at 12:30 o'clock p. m., took recess until 2:30 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

#### LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Leyendecker was granted leave of absence for this morning, on account of illness, on motion of Mr. Holland.

Mr. Dowell was granted leave of absence for today, on account of illness, on motion of Mr. Alsup.

#### MESSAGE FROM THE SENATE

Austin, Texas, March 22, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 266, A bill to be entitled "An Act to amend Subdivision 2 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 128, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 341, Acts of

the Forty-second Legislature, Regular Session; to change and prescribe the time for holding court in the Second Judicial District of Texas and the length and duration of the terms of court therein; to conform all writs and processes of said court to such changes and make all writs, and declaring an emergency." (With amendment.)

H. B. No. 430, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River, and declaring an emergency."

H. B. No. 607, A bill to be entitled "An Act amending House Bill No. 72, Chapter 39, page 83, Section 4 of the General and Special Laws of the Forty-second Legislature, First Called Session, 1931; providing for manner of paying salaries for rural school supervisors in Van Zandt County, and declaring an emergency."

H. B. No. 660, A bill to be entitled "An Act providing the salary of County Superintendents of Public Instruction in certain counties, according to the last preceding Federal Census or any subsequent Federal Census, and according to area in square miles of such counties; repealing all laws and parts of laws in conflict, to the extent of the conflict only, and declaring an emergency."

S. C. R. No. 24, Recalling Senate Bill No. 69 from the Governor's office.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### HOUSE BILL NO. 266 WITH SENATE AMENDMENTS

Mr. Brown of Cherokee called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 266, A bill to be entitled "An Act to amend Subdivision 2 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended

by Chapter 128, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 341, Acts of the Forty-second Legislature, Regular Session; to change and prescribe the time for holding court in the Second Judicial District of Texas and the length and duration of the terms of court therein; to conform all writs and processes of said court to such changes and make all writs and processes issued prior to the effective date of this Act and served prior or subsequent to said effective date, returnable to the terms of court in the several counties in said District as herein provided; to provide for the continuing validity of all bonds and recognizances executed and entered into prior to the effective date of this Act; to validate the summoning of grand and petit juries under existing law and render them available under the provisions of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide for the effective date of this Act."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Brown of Cherokee, the House concurred in the Senate amendments.

#### RECALLING SENATE BILL NO. 69 FROM THE GOVERNOR

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 24, Recalling Senate Bill No. 69 from the Governor.

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor be and he is hereby requested to return Senate Bill No. 69 to the Senate for further consideration; and, be it further

Resolved, That the Speaker of the House and the President of the Senate be and they are each hereby authorized to erase their names from said bill.

The resolution was read second time, and was adopted.

#### MOTION TO SUSPEND CERTAIN RULES

Mr. Hale moved to suspend the Rules, relative to the making of routine motions, for the purpose of making a motion to re-refer House Bill No. 340.

The motion to suspend the Rules was lost.

#### PERMISSION TO WITHDRAW NAME FROM BILL

Mr. Bray was authorized to withdraw his name from House Bill No. 878, as co-author of same.

#### MESSAGE FROM THE SENATE

Austin, Texas, March 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 407, A bill to be entitled "An Act to provide for the issuance of certificates of title covering motor vehicles and their parts, with certain specified exceptions, so as to disclose ownership and encumbrances; defining the terms 'motor vehicle', 'lien', 'owner', 'mortgagee', 'mortgagor', 'first sale', 'subsequent sale', 'new car', 'used car', 'person', 'hereafter', 'receipt', 'stolen and converted', 'concealed motor vehicle', 'manufacturer', 'importer', 'distributor', 'dealer', 'motor number', etc., and declaring an emergency." (With amendments.)

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said junior college to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

CONSIDERATION OF HOUSE  
JOINT RESOLUTION  
NO. 16

The House resumed consideration of House Joint Resolution No. 16, Proposing an amendment to the Constitution providing for the levying of certain taxes for the payment of old age pensions, etc., with committee amendment No. 1, by Mr. Petsch, and amendment by Mr. Tarwater to the committee amendment, pending.

Mr. Hardin offered the following substitute for the amendment by Mr. Tarwater:

Amend committee amendment No. 1 to House Joint Resolution No. 16, page 4, Section 7, line 27, by inserting after the words "amendment," the following:

"all dairy products, when such products are purchased from farmers, processors, distributors and other persons engaged exclusively in the production, processing, distribution and sale of dairy products,"

And insert in line 28, after the word "livestock", the word "and", and by striking out in line 29 the words "and dairy."

HARDIN,  
READER of Bexar.

The substitute amendment by Mr. Hardin was adopted.

The amendment by Mr. Tarwater, as substituted, was then adopted.

Mr. Bridgers offered the following amendment to committee amendment No. 1:

Amend committee amendment No. 1 of House Joint Resolution No. 16, by striking out all of Subsection 4a, beginning with line 7 on page 2 of the bill and substituting in lieu thereof, the following:

"(4a) In determining the eligibility of an applicant for assistance it shall be the duty of the Commission to consider and take into account all facts and circumstances surrounding the applicant, including his earning capacity, and if from the facts and circumstances the applicant does not appear to be in need of assistance his application shall be denied; provided that the term "net income" as used in Subsection four (4) above is hereby defined to mean the total amount received in money or its equivalent from labor, wages, salaries, interest, dividends, rentals and bequests, less

actual business expense incurred in earning such income and taxes actually paid thereon; but net income shall not include the rental value of the home of the recipient where said rental value does not exceed Fifteen (\$15.00) Dollars per month, nor shall it include the value of agricultural, livestock, dairy and poultry products produced and consumed by the recipient on the premises; provided, however, that as to real property the income therefrom shall be the net rents received and which shall remain after deducting all taxes paid on such real property for the same period covered by such rents; provided further that in determining income from real property no deductions shall be made on account of depreciation of the value of such real property."

(Pending consideration of the amendment, by Mr. Bridgers, Mr. Thornton occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Petsch moved to table the amendment by Mr. Bridgers.

The motion to table prevailed.

Mr. Kern offered the following amendment to committee amendment No. 1:

Amend House Joint Resolution No. 16, page 8, by adding after Section 2, a new Section to be known as Section 2a, to read as follows:

"If all or any part of this constitutional amendment operates in such a way that it causes the Federal Government to cease making payments to the State of Texas for social security purposes, this constitutional amendment or particular part of this constitutional amendment shall be declared as null and void when and if the Federal Government refuses to make social security payments to Texas as result of this amendment or a Section of this amendment."

(Pending consideration of the amendment by Mr. Kern, Mr. Hartzog occupied the Chair, temporarily.)

(Speaker in the Chair.)

On motion of Mr. Petsch, the amendment by Mr. Kern was tabled.

Mr. Brown of Cherokee offered the following amendment to committee amendment No. 1:

Amend committee amendment No. 1 to House Joint Resolution No. 16,



Section 1, paragraph 4, by striking out all of said paragraph, and substituting in lieu therefor, the following:

"The term 'person who is in need', as used in Subsection 3 above, is hereby defined to mean: a person who does not own real estate in excess of the amount of real estate now provided for under the laws and Constitution of the State of Texas as a resident homestead and personal property in excess, if single, One Thousand (\$1,000.00) Dollars in value, if married, Fifteen Hundred (\$1,500.00) Dollars in value, and whose annual net income is not in excess of Three Hundred and Sixty (\$360.00) Dollars and who does not have in excess of Three Hundred and Sixty (\$360.00) Dollars cash on hand or Three Hundred and Sixty (\$360.00) Dollars worth of marketable securities. Provided that in no case shall the amount paid to an applicant out of the State Funds exceed Fifteen (\$15.00) Dollars per month. In determining need the ability of children, or other relatives, other than husband or wife, to assist in supporting applicants for assistance shall never be taken into consideration."

Mr. Alsop moved the previous question, on the pending amendments, and House Joint Resolution No. 16, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 70; Nays, 62.

A verification of the vote was requested.

Mr. McMurry moved a call of the House, pending the verification, and the call was duly ordered.

On motion of Mr. McMurry, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

#### Yeas—65

Allison	Blankenship
Alsop	Bond
Bailey	Boyer
Baker	Bradbury
of Fort Bend	Bradford

Broadfoot	Kersey
Bundy	Kinard
Burkett	Lehman
Burney	Leonard
Celaya	Little
Clark	McAlister
Cleveland	McDaniel
Colquitt	McFarland
Colson, Mrs.	McMurry
Corry	Nicholson
Crossley	Oliver
Daniel	Petsch
Dean	Reader of Bexar
Donaghey	Reader of Erath
Faulkner	Riviere
Fielden	Roberts
Gilmer	Schuenemann
Goodman	Shell
Hamilton	Smith of Frio
Hankamer	Smith of Hopkins
Harper	Taylor
Harrell of Lamar	Thornton
Hartzog	Turner
Howington	Vale
Hull	Voigt
Johnson of Ellis	Wilson
Johnson of Tarrant	Worley
Kennedy	Wright

#### Nays—70

Allen	Langdon
Anderson	Leyendecker
Baker of Grayson	Lock
Bell	Loggins
Boyd	London
Bray	Mays
Brown	McNamara
of Nacogdoches	Mohrmann
Cauthorn	Monkhouse
Chambers	Montgomery
Cockrell	Morris
Coleman	Newell
Cornett	Pace
Davis of Jasper	Pevehouse
Davis of Upshur	Piner
Derden	Reaves
Dickison	Reed
Dwyer	Roach
Ferguson	Robinson
Galbreath	Russell
Hale	Segrist
Hardeman	Skiles
Hardin	Smith
Harp	of Matagorda
Harrell of Bastrop	Spencer
Harris	Stinson
Heflin	Stoll
Holland	Talbert
Hunt	Tarwater
Isaacks	Tennant
Kern	Thornberry
Kerr	Vint
King	Waggoner

Weldon  
Wells  
Westbrook

White  
Winfree  
Wood

Present—Not Voting

Brown of Cherokee

Absent

Bridgers	Howard
Dickson	McDonald
Felty	Pope
Fuchs	Ragsdale
Gordon, Mrs.	Rhodes

Absent—Excused

Dowell	Keith
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The Speaker announced that the motion for the main question was lost.

Mr. Wood offered the following substitute for the amendment by Mr. Brown of Cherokee:

Amend committee amendment No. 1 to House Joint Resolution No. 16, by striking out all of line 14 on page 1 down to and including line 31 on page 2, and inserting in lieu thereof, the following:

“Section 51b. Old Age Assistance. The Legislature shall have the power by General Laws to provide, under such limitations and restrictions and regulations as may be deemed by the Legislature expedient, for old age assistance and for the payment of same not to exceed Fifteen (\$15.00) Dollars per month each to actual bona fide needy citizens of Texas who are over the age of sixty-five (65) years; provided that no habitual criminal, and no habitual drunkard while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such old age assistance; provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for old age assistance, and continuously for one (1) year immediately preceding such application. In determining need, the ability of children, or other relatives, to assist in supporting applicants for assistance shall never be taken into consideration.

“The Legislature shall have the authority to accept from the Government of the United States such financial aid for old age assistance as

that Government may offer not inconsistent with restrictions hereinbefore provided.”

Mr. Mays moved the previous question, on the pending amendments, and the resolution, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—65

Allison	Kersey
Alsup	Kinard
Blankenship	Lehman
Boyer	Leonard
Bradbury	Leyendecker
Bradford	Little
Broadfoot	Mays
Burkett	McAlister
Celaya	McDaniel
Chambers	McDonald
Clark	McFarland
Cleveland	Monkhouse
Colquitt	Nicholson
Colson, Mrs.	Oliver
Corry	Pace
Crossley	Petsch
Davis of Upshur	Reader of Bexar
Dean	Riviere
Donaghey	Roberts
Faulkner	Shell
Fielden	Smith of Frio
Gilmer	Smith of Hopkins
Goodman	Spencer
Hamilton	Taylor
Hankamer	Thornton
Hardin	Turner
Harrell of Lamar	Vale
Hartzog	Voigt
Howard	Weldon
Howington	Wilson
Hull	Worley
Johnson of Ellis	Wright
Kennedy	

Nays—72

Allen	Cockrell
Anderson	Coleman
Bailey	Cornett
Baker	Daniel
of Fort Bend	Davis of Jasper
Baker of Grayson	Derden
Bell	Dickson
Bond	Dwyer
Boyd	Felty
Bridgers	Ferguson
Brown	Fuchs
of Nacogdoches	Galbreath
Bundy	Gordon, Mrs.
Cauthorn	Hale

Hardeman	Reader of Erath
Harp	Reaves
Harrell of Bastrop	Reed
Harris	Roach
Heflin	Robinson
Holland	Russell
Hunt	Segrist
Isaacks	Skiles
Johnson of Tarrant	Smith
Kern	of Matagorda
Kerr	Stinson
King	Stoll
Langdon	Talbert
Lock	Tarwater
Loggins	Tennant
London	Thornberry
McMurry	Vint
McNamara	Waggoner
Mohrmann	Wells
Montgomery	Westbrook
Morris	White
Newell	Winfree
Pevehouse	Wood
Piner	

Absent

Bray	Pope
Brown of Cherokee	Ragsdale
Burney	Rhodes
Dickson	Schuenemann
Harper	

Absent—Excused

Dowell	Keith
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Question—Shall the substitute amendment by Mr. Wood be adopted?

## MESSAGE FROM THE SENATE

Austin, Texas, March 22, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. C. R. No. 21, Authorizing the Board of Control to enter into a contract relative to the San Jacinto Memorial Tower and Museum of History.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolutions:

H. C. R. No. 62, Recalling House Bill No. 379 from the Governor.

H. C. R. No. 63, In memory of Honorable J. J. Olsen.

H. C. R. No. 64, Naming Miss Eugenia Morse official representative of the Legislature.

S. C. R. No. 24, Recalling Senate Bill No. 69 from the Governor.

H. B. No. 368, "An Act creating a Special Road Law for Robertson County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

## HOUSE BILL ON FIRST READING

Mr. Wright asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 899.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Wright:

H. B. No. 899, A bill to be entitled "An Act providing funds for co-operation with the National Government in the construction, development and operation of the Huntsville State Park in Walker County, Texas, and declaring an emergency."

Referred to the Committee on Appropriations.

## ADJOURNMENT

Mr. London moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Davis of Upshur moved that the House recess until 7:30 o'clock p. m., today.

The motion of Mr. London prevailed, and the House, accordingly, at 4:55 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

## APPENDIX

### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on the following bills and resolutions:

State Affairs: House Bills Nos. 676, 821 and 623; House Concurrent Resolutions Nos. 53 and 52; Senate Concurrent Resolution No. 6.

Revenue and Taxation: House Bill No. 456.

Common Carriers: House Bill No. 53.

The Committee on Highways and Motor Traffic filed an adverse report on House Bill No. 839.

### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, March 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 368, "An Act creating a Special Road Law for Robertson County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 62, Recalling House Bill No. 379.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 64, Naming Miss Eugenia Morse official Duchess of the Legislature in the Court of King Cotton.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 22, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 63, Expressing sympathy to the family of J. J. Olsen.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

### SENT TO THE GOVERNOR

March 22, 1939

House Bill No. 368.

House Concurrent Resolution No. 62.

House Concurrent Resolution No. 63.

House Concurrent Resolution No. 64.

### FORTY-SECOND DAY

(Thursday, March 23, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker  
Allen  
Allison  
Alsup  
Anderson

Bailey  
Baker  
of Fort Bend  
Baker of Grayson  
Bell